



# TEXAS DEPARTMENT OF LICENSING AND REGULATION

Compliance Division/Boiler Program

P. O. Box 12157 • Austin, Texas 78711 • (512) 539-5716 • Fax (512) 539-5687

Email Address: [boilers@tdlr.texas.gov](mailto:boilers@tdlr.texas.gov)

Web site: [www.tdlr.texas.gov](http://www.tdlr.texas.gov)

**AIA Procedure 4**

**Rev 7**

**VARIANCE**

**Page 1 of 3**

**a. Purpose**

0. *The purpose of this procedure is to describe the information which must be submitted to request a variance.*

**b. Scope**

0. *A variance from any Texas Boiler rule may only be requested by the boiler owner or operator.*

**c. General**

1. *A variance request may be submitted:*
  - A. *on TDLR form 010BLR (Exhibit 1) signed by the owner or his agent; or*
  - B. *by a letter from the owner/operator.*

**d. Description**

1. *The request must include the following information:*
  - A. *Texas boiler number.*
  - B. *the rule the request applies to.*
  - C. *a statement specifying how equivalent safety is to be maintained, including supporting documentation, photographs, sketches including dimensions, etc., which might be helpful.*
  - D. *the requestor's name and phone number.*
2. *The inspector must submit the appropriate inspection report clearly providing a recommendation concerning the requested variance. This recommendation may be shown on the variance request form or in the comments section of the Boiler Equipment Report of Inspection.*
3. *All fees must be received. Other violations not covered by the variance request must be cleared on a Repair Requirement Form prior to processing.*



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**Page 2 of 3**

## **e. Processing and Distribution**

- 1. Upon receipt of the variance request, inspection report, and Repair Requirements Form, the Chief Inspector shall:**
  - A. review the information provided.**
  - B. if necessary, request more specific information such as sketches including dimensions, photos, etc.**
  - C. render a decision on the variance request.**
- 2. If the variance request is approved, the department shall:**
  - A. send a Letter of Variance to the owner or operator, which must be placed under glass in a conspicuous place on or near the boiler.**
  - B. send a copy of the Letter of Variance to the cognizant inspecting organization.**
  - C. file one copy with the boiler's inspection records, which will become part of the permanent files and the boiler database.**
- 3. If the variance request is denied, the department shall:**
  - A. send a letter notification to the owner or operator stating the reason for denial.**
  - B. send a copy of the notification to the cognizant inspecting organization (Note: The violation referred to in the variance request denial will not be cleared and a Certificate of Operation will not be issued until notification of the corrected Violation has been submitted by the Inspector.**
  - C. file one copy with the boiler's inspection records, which will become part of the permanent files.**



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**Page 3 of 3**

4. *All decisions become effective upon the dates they are rendered.*
5. *All decisions will be rendered in writing.*

**Approved by:**

**Rob D. Troutt , Chief Inspector**

A handwritten signature in blue ink, appearing to read "Rob D. Troutt".

**May 5, 2016**



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For Chief Inspector  
Use Only

Approved \_\_\_\_\_

Not Approved \_\_\_\_\_

Date \_\_\_\_\_

### VARIANCE REQUEST

TO: Chief Inspector  
Boiler Program  
Texas Department of Licensing and Regulation  
PO Box 12157  
Austin TX 78711

\_\_\_\_\_ Date

\_\_\_\_\_ TEXAS BOILER NUMBER

FROM: \_\_\_\_\_

Owner/Operator Name

ADDRESS: \_\_\_\_\_

Street

City/State/ZIP Code

Phone Number

E-Mail: \_\_\_\_\_

### Location of Boiler

Business Name

Street Address

City/State/ZIP Code

### Requesting a Variance to Rule:

65.70(a)(1) ☐  
National Board number

65.70(d)(5) ☐  
Exit doors

Other ☐

Enter applicable reference

What provisions have been made to assure equivalent safety is maintained and that all required operation, maintenance, and inspection tasks can be accomplished?

### Diagram of Installation:

(Provide actual dimensions as necessary to illustrate condition.)

Owner/Operator or Agent Signature

Date